

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

RICHARD KAELIN,)
)
Plaintiff,)
)
v.) 1:05-cv-00711-VEH
)
GENERAL DYNAMICS LAND SYSTEMS,)
a division of GENERAL DYNAMICS)
CORPORATION,)
)
Defendant.)

RICHARD KAELIN,)
)
Plaintiff,)
)
v.) 1:05-cv-02116-JEO
)
GENERAL DYNAMICS LAND SYSTEMS,)
a division of GENERAL DYNAMICS)
CORPORATION,)
)
Defendant.)

MEMORANDUM OPINION

The court has considered the entire file in case number 1:05-cv-00711-VEH together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the defendant's motion to remand (doc. 11) is due to be denied, the plaintiff's second motion for summary judgment (doc. 18) is due to be denied, the defendant's motion to dissolve the temporary restraining order entered by the Circuit Court of Calhoun County (doc. 2) is due to be granted,

the defendant's supplemental motion to dissolve the temporary restraining order (doc. 10) is moot, and the defendant's amended motion to dismiss this action (doc. 16) is due to be granted. An appropriate order will be entered in this matter.

With regard to case number 1:05-cv-02116-JEO, the court has been informed that the parties have agreed to submit that matter to arbitration. Accordingly, it is due to be dismissed.

DONE, this the 28th day of March, 2006.


VIRGINIA EMERSON HOPKINS
United States District Judge